

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 419**

Introduced by Speaker Bromm, 23; at the request of the Governor

Read first time January 15, 2003

Committee: Revenue

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend sections  
2 32-519 and 77-1339, Reissue Revised Statutes of Nebraska,  
3 and section 23-3202, Revised Statutes Supplement, 2002;  
4 to provide that the Property Tax Administrator transfer  
5 property assessment function back to counties; to change  
6 and eliminate provisions relating to sharing and  
7 transferring assessment function; to transfer employees;  
8 to harmonize provisions; to provide operative dates; to  
9 repeal the original section; and to outright repeal  
10 sections 77-1340 to 77-1340.03, Revised Statutes  
11 Supplement, 2002.

12 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 23-3202, Revised Statutes Supplement,  
2   2002, is amended to read:

3           23-3202.       No person, ~~except the Property Tax~~  
4 ~~Administrator performing the assessment function pursuant to~~  
5 ~~section 77-1340,~~ shall be eligible to file for or be appointed to  
6 the office of county assessor or serve as deputy assessor in any  
7 county of this state unless he or she holds a county assessor  
8 certificate issued pursuant to section 77-422.

9           Sec. 2. Section 32-519, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           32-519.       (1) Except as provided in ~~sections 22-417 and~~  
12 ~~77-1340~~ section 22-417, at the statewide general election in 1990  
13 and each four years thereafter, a county assessor shall be elected  
14 in each county having a population of more than three thousand five  
15 hundred inhabitants and more than one thousand two hundred tax  
16 returns. The county assessor shall serve for a term of four years.

17           (2) The county board of any county shall order the  
18 submission of the question of electing a county assessor in the  
19 county to the registered voters of the county at the next statewide  
20 general election upon presentation of a petition to the county  
21 board (a) conforming to the provisions of section 32-628, (b) not  
22 less than sixty days before any statewide general election, (c)  
23 signed by at least ten percent of the registered voters of the  
24 county secured in not less than two-fifths of the townships or  
25 precincts of the county, and (d) asking that the question be  
26 submitted to the registered voters in the county. The form of  
27 submission upon the ballot shall be as follows: For election of  
28 county assessor; Against election of county assessor. If a

1 majority of the votes cast on the question are against the election  
2 of a county assessor in such county, the duties of the county  
3 assessor shall be performed by the county clerk and the office of  
4 county assessor shall either cease with the expiration of the term  
5 of the incumbent or continue to be abolished if no such office  
6 exists at such time. If a majority of the votes cast on the  
7 question are in favor of the election of a county assessor, the  
8 office shall continue or a county assessor shall be elected at the  
9 next statewide general election.

10 (3) The county assessor shall meet the qualifications  
11 found in sections 23-3202 and 23-3204. The county assessor shall  
12 be elected on the partisan ballot.

13 Sec. 3. For purposes of sections 3 to 6 of this act:

14 (1) Transferred employee means an employee of the  
15 Department of Property Assessment and Taxation transferred to a  
16 county pursuant to section 4 of this act; and

17 (2) Straight-time rate of pay means the rate of pay in  
18 effect as of December 31, 2004.

19 Sec. 4. (1) Effective January 1, 2005, the Property Tax  
20 Administrator shall relinquish the property assessment function in  
21 all counties that transferred the assessment function to the  
22 Property Tax Administrator.

23 (2) On January 1, 2005, the employees of the Department  
24 of Property Assessment and Taxation involved in the performance of  
25 the county assessment function shall become county employees. No  
26 transferred employee shall incur a loss of income or benefits as a  
27 result of becoming a county employee pursuant to this section.

28 (3) At the close of business on December 31, 2004, the

1 Property Tax Administrator shall cease his or her performance of  
2 the county assessment function and the county assessor appointed  
3 pursuant to subsection (4) of this section shall assume the county  
4 assessment function. The Property Tax Administrator shall at that  
5 time transfer all books, files, and similar records with regard to  
6 the county assessment function of the county to the county  
7 assessor.

8 (4) The county board shall appoint an individual with a  
9 valid assessor's certificate to the position of county assessor.  
10 The appointment shall be effective January 1, 2005. The appointed  
11 county assessor, on January 1, 2005, shall assume the title and  
12 perform the assessment functions and any other duties mandated of  
13 the office of county assessor. The appointed assessor shall  
14 continue to perform the county assessor's duties until an assessor  
15 is elected in the next election.

16 (5) The Property Tax Administrator shall provide to each  
17 county a line-item allocation of its total cost of the assessment  
18 function for the fiscal year prior to the transfer. This  
19 allocation of costs shall also identify the costs attributable to  
20 those employees that perform duties in more than one county.

21 (6) All contracts of the Department of Property  
22 Assessment and Taxation pertaining to the operation of the county  
23 assessment function shall be assumed by the county until the  
24 expiration of the contract.

25 (7) Counties where transferred employees provide services  
26 to more than one county shall enter into an agreement pursuant to  
27 section 77-1339 for the continued performance of the services  
28 provided by the employee. No agreement pursuant to section 77-1339

1 is necessary if one of the counties in which the employee is  
2 providing services agrees to retain the employee as a permanent  
3 full-time employee.

4           Sec. 5. (1) (a) On the date of employment transfer, all  
5 transferred employees shall immediately have the right to  
6 participate in the particular county employees retirement plan and  
7 shall have all retirement funds transferred from the State  
8 Employees Retirement System.

9           (b) For transferred employees who are transferring  
10 retirement funds, the amount transferred shall equal the employee  
11 and employer accounts of the transferring employee plus earnings on  
12 those amounts during the period of employment with the state.

13           (2) Upon the completion of the transfer of funds pursuant  
14 to subsection (1) of this section, the transferred employee shall  
15 receive vesting credit for such employee's years of participation  
16 in the retirement system of the county from which the employee was  
17 transferred plus all years of participation in the retirement  
18 system of the state. Each employee that was employed after the  
19 assessment function transfer from the county shall receive vesting  
20 credit for such employee's years of participation in the State  
21 Employees Retirement System.

22           Sec. 6. (1) The state shall transfer all accrued sick  
23 leave of a transferred employee up to the maximum number of  
24 accumulated hours for sick leave allowed by the county. The state  
25 shall reimburse the county for twenty-five percent of the value of  
26 the accrued sick leave hours based on the straight-time rate of pay  
27 for each employee.

28           (2) The transferred employee may transfer the maximum

1 amount of accrued annual leave earned as an employee of the state  
2 and allowed by the county. The state shall reimburse the county  
3 for one hundred percent of the value of the hours of accrued annual  
4 leave transferred.

5 (3) No transferred employee shall lose any accrual rate  
6 value of his or her sick leave and vacation leave as a result of  
7 becoming a county employee, and a transferred employee may credit  
8 years of service with both the county and state toward the accrual  
9 rate for sick leave and vacation leave plans. When accrued sick  
10 leave and vacation leave for a transferred employee are at a  
11 greater rate value than allowed by the county's sick leave and  
12 vacation leave plans, the state shall pay the employee the  
13 difference between the value of the benefits allowed by the county  
14 and the state based on twenty-five percent of the employee's  
15 straight-time rate of pay for the sick leave and one hundred  
16 percent of the employee's straight-time rate of pay for vacation  
17 leave. The state shall reimburse the counties and employee not  
18 later than June 30, 2005.

19 (4) The transferred employee shall not receive any  
20 additional accrual rate value for county benefits until the  
21 employee meets the qualifications for the increased accrual rates  
22 pursuant to the county's requirements.

23 (5) The transferred employee may participate in and be  
24 covered by the county's insurance program. The waiting period for  
25 medical insurance coverage of transferred employees shall be  
26 waived.

27 Sec. 7. Section 77-1339, Reissue Revised Statutes of  
28 Nebraska, is amended to read:

1           77-1339. (1) Any two or more ~~contiguous~~ counties may  
2 enter into an agreement for joint or cooperative performance of the  
3 assessment function.

4           (2) Such agreement shall provide for:

5           (a) The division, merger, or consolidation of  
6 administrative functions between or among the parties, or the  
7 performance thereof by one county on behalf of all the parties;

8           (b) The financing of the joint or cooperative  
9 undertaking;

10          (c) The rights and responsibilities of the parties with  
11 respect to the direction and supervision of work to be performed  
12 under the agreement;

13          (d) The duration of the agreement and procedures for  
14 amendment or termination thereof; and

15          (e) Any other necessary or appropriate matters.

16          (3) The agreement may provide for the suspension of the  
17 powers and duties of the office of county assessor in any one or  
18 more of the parties.

19          (4) Unless the agreement provides for the performance of  
20 the assessment function by the assessor of one county for and on  
21 behalf of all other counties party thereto, the agreement shall  
22 prescribe the manner of electing the assessor, and the employees of  
23 the office, who shall serve pursuant to the agreement. Each county  
24 party to the agreement shall be represented in the procedure for  
25 choosing such assessor. No person shall be appointed assessor  
26 pursuant to an agreement who could not be so appointed for a single  
27 county. Except to the extent made necessary by the multicounty  
28 character of the assessment agency, qualifications for employment

1 as assessor or in the assessment agency and terms and conditions of  
2 work shall be similar to those for the personnel of a single county  
3 assessment agency. Any county may include in any one or more of  
4 its employee benefit programs an assessor serving pursuant to an  
5 agreement made under this section and the employees of the  
6 assessment agency. As nearly as practicable, such inclusion shall  
7 be on the same basis as for similar employees of a single county  
8 only. An agreement providing for the joint or cooperative  
9 performance of the assessment function may provide for such  
10 assessor and employee coverage in county employee benefit programs.

11 (5) No agreement made pursuant to the provisions of this  
12 section shall take effect until it has been approved in writing by  
13 the Property Tax Administrator.

14 (6) Copies of any agreement made pursuant to the  
15 provisions of this section, and of any amendment thereto, shall be  
16 filed in the office of the Property Tax Administrator and county  
17 board of the counties involved.

18 Sec. 8. Sections 1, 2, 10, and 11 of this act become  
19 operative on January 1, 2005. The other sections of the act become  
20 operative on their effective date.

21 Sec. 9. Original section 77-1339, Reissue Revised  
22 Statutes of Nebraska, is repealed.

23 Sec. 10. Original section 32-519, Reissue Revised  
24 Statutes of Nebraska, and section 23-3202, Revised Statutes  
25 Supplement, 2002, are repealed.

26 Sec. 11. The following sections are outright repealed:  
27 Sections 77-1340 to 77-1340.03, Revised Statutes Supplement, 2002.